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Attorneys for Defendants  
Euan S. Thomson, Wayne Wu, Li Yu, Robert S.  
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Robert E. McNamara, John R. Adler, Jr. and  
Nominal Defendant Accuray Incorporated

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

IN RE ACCURAY, INC. SHAREHOLDER  
DERIVATIVE LITIGATION

This Document Relates to:

ALL ACTIONS

Lead Case No. C 09 05580 CW

**STIPULATION AND ORDER  
CONTINUING THE HEARING  
DATE ON DEFENDANTS' MOTION  
TO DISMISS AND EXTENDING  
DEADLINE FOR DEFENDANTS'  
REPLY MEMORANDUM  
(AS MODIFIED)**

1 WHEREAS, on March 19, 2010, the Court entered an order regarding the filing of  
2 plaintiffs' amended consolidated complaint and the parties' stipulated briefing schedule for  
3 defendants' motion to dismiss;

4 WHEREAS, plaintiffs filed an amended consolidated complaint on April 8, 2010, and  
5 Defendants moved to dismiss on May 10, 2010;

6 WHEREAS, the hearing date for defendants' motion to dismiss currently is set for July 1,  
7 2010 at 2:00 p.m.;

8 WHEREAS, counsel for defendants has a scheduling conflict on July 1, 2010, and  
9 defendants have therefore requested, and plaintiffs have agreed, subject to Court approval, to  
10 continue the hearing date on defendants' motion to dismiss until August 5, 2010;

11 WHEREAS, defendants' reply memorandum in support of their motion to dismiss is  
12 currently due to be filed on June 17, 2010;

13 WHEREAS, in light of the proposed continuance of the hearing date, defendants have  
14 also requested, and plaintiffs have agreed, subject to Court approval, to extend the deadline for  
15 defendants' reply memorandum in support of their motion to dismiss by one week to June 24,  
16 2010;

17 NOW, THEREFORE, the parties, by and through their undersigned counsel of record,  
18 hereby agree and stipulate, subject to Court approval, as follows:

19 1. The hearing on Defendants' motion to dismiss currently set for July 1, 2010 shall  
20 be continued until August 5, 2010 at 2:00 p.m., or as soon thereafter as the matter may be heard;  
21 and

22 2. Defendants shall file their reply memorandum in support of their motion to  
23 dismiss by June 24, 2010.

24 ///

25 ///

26 ///

27 ///

1 Dated: June 24, 2010

Respectfully submitted,

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8 By: /s/ Ignacio Salceda  
9 Ignacio Salceda

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11 Robert S. Weiss, Elizabeth Dávila, John P. Wareham,  
12 Robert E. McNamara, John R. Adler, Jr. and Nominal  
13 Defendant Accuray Incorporated

14 Dated: June 24, 2010

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By: /s/ Kevin A. Seely  
Kevin A. Seely

Co-Lead Counsel for Plaintiffs

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED. FURTHER CASE  
MANAGEMENT CONFERENCE ALSO CONTINUED TO 8/5/2010 AT 2:00 P.M.

Dated: 6/24/2010

  
HONORABLE CLAUDIA WILKEN  
United States District Judge

**ATTESTATION PURSUANT TO GENERAL ORDER 45**

I, Ignacio E. Salceda, attest that concurrence in the filing of this document has been obtained from the signatory, Kevin A. Seely. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 16th day of June, 2010 at Palo Alto, California.

By: /s/ Ignacio E. Salceda  
Ignacio E. Salceda

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Wu, Li Yu, Robert S. Weiss, Elizabeth  
Dávila, John P. Wareham, Robert E.  
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Defendant Accuray Incorporated